

REMARKS

Claims 1, 4-6, and 9-12 and 14-26 were pending in the application and all claims were rejected. Applicant requests reconsideration of the rejections in view of the following remarks.

CLAIM REJECTIONS UNDER 35 USC 102

The Office Action rejected claims 1, 4, 6, 9-12, and 15-26 under 35 USC 102(e) as being anticipated by Knauerhase et al. (US 20040203998), hereinafter "**Knauerhase**." Applicant respectfully traverses this rejection. Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention *arranged as in the claim*. *Soundscriber Corp. v. U.S.*, 360 F.2d 954, 960, 148 USPQ 298, 301 [175 Ct. Cl. 644] (1966). **Knauerhase** cannot be considered an anticipatory reference because **Knauerhase** does not disclose the claim element of "logic for determining: a target position for improved communication for the wireless unit based in part on information representing a recent position of the wireless unit and based in part on historical data on received signal strength at the recent and target positions" which is required in each of the independent claims.

Knauerhase does not take signal strength into consideration in determining a position of the wireless device. Instead, **Knauerhase** is concerned with service coverage areas in order to anticipate the type of coverage available at a destination of the mobile device. See **Knauerhase** at paragraph [0039]: "*Based on the location and direction of travel of the mobile device and possibly based additionally on the speed of travel of the mobile device, the mobile device looks ahead on the service coverage map, process block 425, and determines what service coverage is*

anticipated for the mobile device."

See also **Knauerhase** at paragraph [0022]: *"The location and direction data updates the presence information for the mobile device, which is then used to periodically look ahead on a service coverage map for anticipated changes in communications connectivity."* See also paragraph [0025]: *"Under an embodiment of the invention, a service coverage map for the mobile device is used to anticipate changes in communication connectivity. The service coverage map is a collection of data that contains information regarding the communications services that are available in regions that are included within the map, thereby linking possible locations of a mobile device to available services for such locations."*

Further support that **Knauerhase** deals with types of coverage, NOT signal strength, can be found in paragraphs [0026] and [0027]:

[0026] *"The movement of mobile device 25 may change the communications services available to the device. For example, the mobile device 205 is shown to be located in city A 210, which in this example is served by a CDPD cellular service. Note that the city itself may be divided into a number of cells for the cellular service, which cells comprise another example of possible regions for communications services. Within the city, there may be numerous other communications networks. In this example, network A1220, network A2225, and network A3230, are wireless local area networks that may be accessed by mobile device 205 if the device moves into the geographic areas served by these networks."*

[0027] *"If mobile device 205 moves near one or more of these networks, the device may,*

for example, inform the user of the device that the services provided by these networks are available and may, if necessary, inform the user that a different interface card must be installed in the mobile device 205 to allow access."

For at least the above reasons, independent claims 1, 10, 18, and 22 and their dependent claims are not anticipated by **Knauerhase**.

CLAIM REJECTIONS UNDER 35 USC 103

The Office Action rejected claims 5 and 14 under 35 USC 103(a) as being unpatentable over **Knauerhase** in view of **Carter** et al. (US 20040152362). Applicant respectfully traverses this rejection because neither **Knauerhase** nor **Carter** teach or suggest the claim element of "determining a target position for improved communication for the wireless unit based in part on information representing a recent position of the wireless unit and based in part on historical data on received signal strength at the recent and target positions." As discussed above, this claim element is found in independent claims 1 and 10, from which claims 5 and 14 depend.

Moreover, the Examiner concedes that "Knauerhase explicitly fails to disclose: the system, wherein database is dynamically updateable based on reception strength input received from a plurality of wireless units." The Examiner alleges that **Carter** provides this teaching; however, **Carter** does not teach or suggest using reception strength. Instead, **Carter** discusses a coverage map of a network with indicators showing failed handoff areas. See paragraph [0054]: "This database is then used to form a map, such as that illustrated in FIG. 5B, in which failed

handoff areas 516a, 516b, 516c, and 516d are identified within the coverage area 514 of the network." Therefore, claims 5 and 14 are patentable over the cited references by virtue of their dependence on claims 1 and 10 and also because the **Carter** reference does not provide the teaching of signal strength that is lacking in **Knauerhase**.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, including any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit Account Number 50-4062.

Respectfully submitted,

/Michael J. Buchenhorner/

Michael J. Buchenhorner
Reg. No. 33,162

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Michael Buchenhorner P.A.
8540 SW 83 Street
Miami Florida 33143
Telephone: (305) 273-8007
Fax: (305) 595-9579